

IDAHO COUNCIL ON DEVELOPMENTAL DISABILITIES <b>Public Policy Committee Meeting</b> January 24, 2008 Time: 10:45am – 12:00pm	
<b>Call to Order – Opening Statements</b>	Chair James Steed called the meeting to order at 10:45am.
<b>Roll Call</b>	Members present: James Steed, Corinne Johnson, Shiloh Blackburn, Jim Baugh, Lisa Robbe-Soults, Leslie Clement Staff: Tracy Warren, Christine Pisani
<b>Perfection of Agenda/ Announcements</b>	There were no changes to the agenda and no announcements.
<b>Approval of December 19, 2007 Minutes</b>  <b>Action ⇨</b>	The minutes from the last Public Policy Committee meeting were reviewed. <b>Motion: Corinne Johnson moved to accept the minutes.</b> <b>Second: Shiloh Blackburn</b> <b>The minutes were accepted.</b>
<b>Legislative Slate</b>  <b><u>Priority 1 Issues:</u></b>  <b>Medical Consent Law</b>  <b>Extended Employment Services – Vocational Rehabilitation Budget Request</b>	Tracy reported with updates to recent legislative activities:  Priority 1 Issues:  Idaho Medical Consent Law changes have been tabled with the decision to meet with stakeholders through 2008 and have possible legislation in 2009.  A letter was sent to Michael Graham detailing the Council's support for the Vocational Rehabilitation budget increase request for Extended Employment Services for use in supported employment in the community. The Governor's budget did not include an increase for EES services. Council staff continues to participate in stakeholder roundtable meetings with Vocational Rehabilitation to discuss extended employment services. There has been discussion in those meetings about an independent study of extended employment services in Idaho, but it has faced some opposition.

<p><b>Family-Directed Services</b></p> <p><b><u>Priority 2 Issues:</u></b></p> <p><b>Proposed Changes at Idaho State School and Hospital</b></p>	<p>Family-Directed Services legislative report has been drafted and is awaiting Medicaid administration approval before a final version is sent to the Health &amp; Welfare germane committees. We have developed a fact sheet on Family-Directed Services for the legislative reception. Tracy gave an update on the Family-Directed Services Task Force, information that will be included the legislative report and what the next steps will likely be for FDS implementation.</p> <p>Priority 2 Issues:</p> <p>The proposed changes at Idaho State School and Hospital have moved into the forefront and we have developed a fact sheet for the legislative reception. Tracy recapped the proposed changes that have been presented to the Joint Finance and Appropriations Committee by the Dept. of Health and Welfare and the Committee's discussion earlier in the week.</p> <p>Jim Baugh clarified information about a proposal for a secure mental health facility to be built at the prison that would serve both convicted prisoners with mental health needs and people who have been civilly committed (not convicted of a crime). The ISSH proposal would create a secure mental health facility at the state school as well by converting existing buildings into psychiatric facilities. The short term plan is to convert one building into a psychiatric facility and convert other buildings into quadplexes for existing residents. The long term plan is to convert 60 beds into secure psychiatric facilities for individuals that have dangerous behaviors that make them difficult to serve in current state hospitals (State Hospital North and South). After the prison mental health facility is completed, individuals with dangerous behaviors would be moved to that facility and ISSH would become (in essence) State Hospital Southwest.</p> <p>Discussion about barriers to individuals moving from ISSH into the community. Jim talked about one barrier being access to adequate services and the possibility of special contracts with community service providers to provide the level of service needed. Leslie shared</p>
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	<p>one problem has been that discharge plans are developed and then Medicaid is called to make sure that services can be put in place. Staff would run into various issues that can make putting the needed services in place difficult but now Medicaid will be at the table earlier. Leslie said discharge requirements are currently being developed and Medicaid is involved. The next step is to identify barriers to discharge and what the need is – what level of care – and then examine what current opportunities exist for folks moving to the community. As this moves forward, Medicaid will be able to assess if higher rates might be possible to address a higher level of need beyond what we have in place today. No work has been done on this yet.</p>
<b>Waiver of Sovereign Immunity</b>	This is the SILC legislation that we will support as it comes forward.
<b>Early Childhood Education</b>	Early Childhood Development and Education: Tracy reported that legislation will be brought by Senators Schroeder and Burkett but we haven't seen anything yet. The Council will support this as we have in the past, but it depends on the actual bill language.
<b>Federal Issues:</b>	Federal Priority 2 Issues:
<b>Rehabilitation Services Rules</b>	Rehabilitation rules changes have been put on a moratorium until July 1 <sup>st</sup> . Leslie reported that this was included in the SCHIP reauthorization. Jim said that folks think they may be able to get a legislative vehicle that would provide a statutory change by the July 1 <sup>st</sup> deadline.
<b>Community Choice Act and CLASS Act</b>	Community Choice Act and CLASS Act were discussed in recent congressional committee hearings. There was support but no action was taken.
<b>ADA Restoration</b>	ADA Restoration Act hearing was delayed until January 29 <sup>th</sup> .
<b><u>Priority 3 Issues:</u></b>	Priority 3 Issues:
<b>Mental Health Commitment</b>	Mental Health Commitment: Jim reported that legislative language has been drafted that the mental health subcommittee will be discussing or presenting

<p><b>Idaho School for the Deaf and Blind, changes to Deaf Education in Idaho</b></p>	<p>to the Health Care Task Force on January 29<sup>th</sup>. Co-Ad will be opposing the bill as it is currently written.</p> <p>Changes to services for students who are hearing and/or visually impaired and the Idaho School for the Deaf and Blind will be discussed for another year before further action will be taken. Jim reported that new State Department of Education staff have said that nothing is off the table for discussion. They will be starting again and consider everything that has been discussed in the past: closing or not closing ISDB, regionalizing services school districts providing services, etc. They are back to getting information for further discussion.</p>
<p><b>Sign Language Interpreter</b></p>	<p>James Steed asked about last year's sign language interpreter services legislation. Jim shared information about the legislation and the need for appropriate accommodations and quality interpreter services in school. He also explained about the philosophy of the deaf community that supports deaf students being educated with like peers who share their mode of communication. Discussion about promoting sign language opportunities for hearing peers and sign language clubs for hearing and deaf students, etc. Jim Baugh shared about a past case where a student had developed his own peer group in his local school. When his interpreter moved away the local school districts collaborated to provide the services he needed so that he did not have to move to ISDB. There are many possibilities to be explored.</p>
<p><b>Public Transportation Funding</b></p>	<p>Public Transportation Funding: Transportation Coalition is working on a constitutional amendment to grant authority for a local option tax and legislation for a local option for transit, roads and bridges. Still under development.</p>
<p><b>Federal Issues</b></p> <p><b>SCHIP</b></p>	<p>Federal Priority 3 Issues:</p> <p>SCHIP Reauthorization veto override did not pass. An omnibus appropriation bill was passed that will allow SCHIP to be funded until October.</p>

<p><b>Medicaid school reimbursement</b></p> <p><b>IASA stakeholder meeting regarding Medicaid services in schools</b></p>	<p>Medicaid school reimbursement changes: a final rule has been posted from CMS that will not reimburse for administrative services or transportation services other than to medical services.</p> <p>Tracy Warren reported that she participated in a stakeholder meeting hosted by the Idaho Association of School Administrators (IASA). The group discussed schools billing Medicaid and issues that have emerged with schools working with private providers. One of the issues is some parents are choosing to remove their children from school for a half-day or more and have the children receive services from a local developmental disability agency instead. Schools are still responsible for the child's IEP and providing FAPE which makes these situations very difficult for them.</p> <p>Committee members were not satisfied with the lack of notification to stakeholders who should be at the table. Medicaid staff, private providers, etc. should be at the table. Leslie Clement reported that there are some new 'designs' that DDA's are putting together where they are providing a program/service throughout the instructional day. Schools have asked Medicaid to help them with the issue. It was noted that DDA's can not bill for providing educational services. Leslie said that Medicaid will be looking at some situations to ensure that providers are billing Medicaid for appropriate, reimbursable services.</p>
<p><b>New Issues for Consideration</b></p> <p><b>Proposed changes to statute related to Medicaid</b></p>	<p>Tracy Warren passed out a 'new issues' sheet and reported on some emerging issues.</p> <p>Leslie Clement talked about changes to statute being proposed including: Medicaid working on a methodology for setting special rates; providers seeking rights to appeal the results of the uniform assessment instrument (UAI) which determines level of service needed by individuals; and residential and assisted living facility providers (RALF) would like to see changes to the 'RUF' that is cash assistance to individuals for rent, utilities and food that goes to the provider. The DHW Director's position is that it is a</p>

<p><b>Residential Assisted Living Facilities and RUF payments</b></p>	<p>federal and the state is not in a position to supplement above and beyond that RUF payment.</p> <p>Jim Baugh said that he had been hearing from RALFs sometimes the UAI sets a certain level of service need but the Bureau of Facility Standards says the person needs more services than that. The providers can not bill for more services than the nurse reviewer has approved, so sometimes they have to tell the person to leave the facility. People get an eviction notice and have a certain amount of time to find another place. Jim suggested as a Council we should be concerned about this issue because some of the people we are concerned about may be caught in this squeeze.</p> <p>Leslie Clement reported that Medicaid has a decision unit in the budget to increase reimbursement to RALF providers, but it is more system based versus individually based. The decision unit is for compensation for system-wide requirements that are expected of providers to for all individuals.</p>
<p><b>Bob Aldridge Bills</b></p> <p><b>Medicaid Decision Unit to Increase Community Provider Rates</b></p>	<p>Discussion of Bob Aldridge's bills related to guardianship, conservatorship, property, etc.</p> <p>Jim Baugh reported that Medicaid has submitted a decision unit to the Governor for an increase in reimbursement rates for community mental health and developmental disability service providers based on results of independent study. The Governor has recommended half of the requested amount (\$2.3 million of \$4.7 million). Leslie Clement provided more detail about how a methodology will be developed to work on rate increases incrementally over time and would want that to be put in statute. Jim Baugh suggested that the Council support the rate increase to community providers with members of JFAC. Could be done by developing a position statement, providing it to JFAC and finding a committee member that might make the motion to support the increase.</p>
<p><b>Action ⇨</b></p>	<p><b>Jim Baugh moved that the Public Policy Cmte recommend to the full Council that we support the Medicaid decision unit for rate increases to</b></p>

	<b>community service providers.</b> <b>Shiloh Blackburn seconded the motion.</b> <b>Motion passed.</b>
<b>Wrap Up:</b>	<u>Review Action Items:</u> <ul style="list-style-type: none"><li>✓ Approved December 18, 2007 minutes</li><li>✓ Recommend to full Council to support the Medicaid decision unit to increase community provider rates.</li></ul>
<b>Adjourned</b>	There being no further business, the meeting adjourned at 12:00pm.